

Notice
Fair Political Practices Commission
Interested Persons Meeting
September 22, 2015, 2:00 p.m.
428 J Street, 8th Floor Hearing Room
Sacramento, CA 95814

Fair Political Practices Commission staff will hold an Interested Persons meeting on September 22nd at 2:00 p.m. to solicit public input regarding the regulatory proposals listed below. The proposals are scheduled to be considered for adoption at the October 15, 2015 Commission meeting.

Amend Regulation 18225.7 Made at the behest of
Repeal Regulation 18550.1 Independent and Coordinated Expenditures

Since 1995, the Commission's guidelines on what constitutes "coordination" have been found in Regulation 18225.7, which defines expenditures "made at the behest of" a candidate or committee. In 2003, the Commission adopted Regulation 18550.1 to implement Section 85500(b), a statute enacted in 2001 by Proposition 34, by describing conduct that will, or will not, justify treating an ostensibly "independent" expenditure as a "contribution" to a candidate. Although Section 85500(b) does not use the expression "made at the behest of," it employs the language used in Regulation 18225.7 defining that term.

Both Regulations 18225.7 and 18550.1 describe candidate involvement in an expenditure by another person, but Regulation 18225.7 is also applicable to such expenditures to ballot measure committees. As a result, Regulation 18550.1 simply treats a subclass of the campaign expenditures governed by Regulation 18225.7. Because there is substantial overlap in language of the two regulations, it is desirable to merge Regulation 18550.1 into the broader Regulation 18225.7, thus consolidating the Act's "coordination" rules into a single regulation.

Additionally, Regulation 18225.7 would be amended to include new provisions that identify the different applications of the term "made at the behest" within the Act, while clarifying that all applications of the term will be governed by the definition provided in Regulation 18225.7. And new specific situations giving rise to a presumption that an expenditure was coordinated with a candidate or committee would be added, as well as an additional "safe harbor" provision where such coordination would not be found.

ADDITIONAL INFORMATION

- Proposed language for Regulation 18225.7 is attached for review, and can also be found at <http://www.fppc.ca.gov/index.php?id=450>.

- You may participate in this interested persons meeting in person (at the Commission's offices).

You may also listen to and participate in this interested persons meeting by teleconference by calling; (877) 411-9748 access code 723284. To prevent excessive background noise, please be sure to push the mute button on your phone when you are not talking.

- Finally, the Commission invites written comments addressing these topics. Address comments regarding Regulations 18225.7 and 18550.1 to Senior Commission Counsel Jack Woodside or General Counsel Hyla Wagner at (916) 322-5660.

For questions about this meeting, you may contact Juanita Lira at (916) 322-5660.